

**THE KELLY FIRM, P.C**

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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

In re:

GIOVANNA M. LEWANDOWSKI and  
RYAN LEWANDOWSKI,

Debtors.

Case No. 19-23362-JNP

Chapter 13

Hearing date: September 18, 2019  
10:00 a.m.

Judge: Honorable Jerrold N. Poslusny, Jr.,  
U.S.B.J.

**OBJECTION TO CONFIRMATION**

NJR Clean Energy Ventures (“NJR”), lessor of solar energy equipment to the Debtors, objects to the Debtors’ Chapter 13 Plan for the following reasons:

1. The Debtors must assume the lease and pay all lease payments directly to NJR in accordance with the terms of the lease executed by the parties. Debtors must either surrender the lease’s solar energy equipment or arrange for its removal by NJR and the Plan must so provide.

2. Debtors fail to account for the prepetition lease arrears due and owing to NJR, which must be cured promptly and paid directly to NJR. Prepetition arrears must be paid within 6 months of filing or before the lease terminates, whichever occurs first.

3. Though Debtors’ Petition states that the lease is assumed, Debtors’ Chapter 13 Plan fails to assume the lease and therefore **rejects the lease**. If the lease is not assumed, the

lease is deemed rejected and the automatic stay will terminate as to the leased equipment at the conclusion of the confirmation hearing pursuant to 11 U.S.C. §365(p)(3).

4. As of July 25, 2019, Debtor's prepetition arrears to NJR is \$3,345.78. Debtor's post-petition arrears to NJR is \$94.66. The remaining lease principal is \$10,601.92.

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Counsel for Creditor, NJR Clean Energy Ventures Corporation

By: /s/ Katherine B. Galdieri  
Katherine B. Galdieri, Esq.

Date: July 25, 2019